

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: CASE NO. 16-08881

Sandy M. Smola-Strickler, aka Sandy M. Strickler, aka Sandy M. Smola, aka Sandy Smola; CHAPTER 13

JUDGE Carol A. Doyle

Debtor(s).

NOTICE OF AMENDED MOTION

PLEASE TAKE NOTICE that on December 19, 2017 at 9:30 a.m., or soon thereafter as counsel may be heard, I shall appear before the Honorable Carol A. Doyle or any judge sitting in his/her stead, in the courtroom usually occupied by him/her in Room 742 at 219 South Dearborn Street, Chicago, IL 60604, and move to present the attached motion.

/s/ Nisha B. Parikh
Attorney for Creditor

NOTE: This law firm is deemed to be a debt collector.

CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2017 a true and correct copy of the foregoing NOTICE OF MOTION was served:

Via the Court's ECF system on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

George Michael Vogl, IV, Debtor's Counsel
Tom Vaughn, Trustee
Patrick S Layng, United States Trustee

And by regular US Mail, postage pre-paid on:

Sandy M. Smola-Strickler, aka Sandy M. Strickler, aka Sandy M. Smola, aka Sandy, 9
Tanglewood Court, Indian Head Park, IL 60525
Halina Smola, 9 Tanglewood Court, Indian Head Park, Illinois 60525

/s/ Jaclene Morris

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: CASE NO. 16-08881

Sandy M. Smola-Strickler, aka Sandy M. Strickler, aka Sandy M. Smola, aka Sandy Smola; CHAPTER 13
JUDGE Carol A. Doyle

Debtor(s).

**AMENDED MOTION FOR RELIEF FROM AUTOMATIC STAY AND RELIEF FROM
CO-DEBTOR STAY OR, IN THE ALTERNATIVE, TO DISMISS THE CASE**

Now comes Wilmington Savings Fund Society, FSB, secured creditor herein, by and through its attorneys, ANSELMO LINDBERG & ASSOCIATES LLC, and moves for entry of the attached Order Granting Relief from the Automatic Stay or, in the alternative, Dismissing the Case and in support thereof respectfully states as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. § 1334 and the general orders of the Northern District of Illinois.
2. Venue is fixed in this Court pursuant to 28 U.S.C. § 1409.
3. This matter constitutes a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(G).
4. The debtor filed a petition for relief under Chapter 13 on March 15, 2016. The Chapter 13 Plan was confirmed on May 17, 2016.
5. Wilmington Savings Fund Society, FSB holds a mortgage secured by a lien on debtor's real estate commonly known as 9 Tanglewood Court, Indian Head Park, IL 60525.
6. Halina Smola signed both the Mortgage and the Note and may have legal interest in the subject property.
7. There is equity in the property as its value is \$189,000.00 (per Schedule A/B) and the total payoff amount is \$133,900.97. There is also a second lien extant with a balance of \$2,000.00 (per Schedule D). Debtor has a 50% interest in the subject property.

8. The loan is past due for the August 1, 2017 to December 1, 2017 payments in the amount of \$1,175.42 each. The suspense credit is \$281.33. The total default is \$5,595.77, not including attorney fees and costs for bringing this motion.
9. The failure of the debtor to make timely payments is cause for the automatic stay to be modified as to the movant pursuant to 11 U.S.C. § 362(d)(1).
10. That Section 1301 (c) of the Bankruptcy Code states: On request of a party in interest and after notice and a hearing, the court shall grant relief from the stay, provided by subsection (a) of this section with respect to a creditor, to the extent that (2) the plan filed by the debtor proposes not to pay such a claim.
11. The movant requests the Court order that Rule 4001(a)(3) is not applicable

WHEREFORE, Movant prays for an entry of the attached Order Granting Relief from the Automatic Stay and Relief from the Co-Debtor Stay, or, in the alternative, Dismissing the Case and for such further relief as this Court deems proper.

Wilmington Savings Fund Society, FSB

/s/ Nisha B. Parikh

Anselmo Lindberg & Associates
1771 W. Diehl Rd., Ste. 120
Naperville, IL 60563-4947
630-453-6960 | 866-402-8661 | 630-428-4620 (fax)
bankruptcy@AnselmoLindberg.com
Firm File Number: B16060058SVT

This law firm is deemed to be a debt collector.

Equity Analysis Worksheet

Debtor: Sandy M. Smola-Strickler, aka Sandy M. Strickler, aka Sandy M. Smola, aka Sandy Smola;
Case Number: 16-08881
Trustee: Tom Vaughn

Fair Market Value of Home: **\$189,000.00**

Deductions from Proceeds

Broker's Commission (6%) **\$11,340.00**

Cost of Sale (3%) **\$5,670.00**

Mortgages **\$133,900.97**

Total Deductions from Sale Proceeds \$150,910.97

Net Proceeds from Sale of Home after Deductions \$38,089.03

Debtor's Interest \$19,044.52

Debtor's Percent Interest 50%

Debtor's Exemptions \$15,000.00

(\$15,000 per individual on title and in residence, maximum of \$30,000)

Net Proceeds Available to Estate \$4,044.52

Trustee Compensation

25% of first \$5,000 \$1,011.13

10% of next \$45,000 \$0.00

5% of next \$950,000 \$0.00

3% of Balance \$0.00

Total Trustee Compensation \$1,011.13

Estimated Administrative Costs \$18,021.13

Net Proceeds After Trustee Compensation \$3,033.39